



MONTANA GRASS CONSERVATION COMMISSION

REGULAR MEETING MINUTES FOR DECEMBER 7, 2022, 8:30 A.M. – NORTHERN HOTEL SOUTH BALLROOM – BILLINGS, MT.

Call to order at 8:33 A.M.

Directors Present: Richard Stuker, Nathan Descheemaeker, Greg Oxarart, Jess Drange. Absent: Jeff Willmore.

A. Minutes from Regular meeting May 16, 2022.

After review of the May 16, 2022, regular meeting minutes, Richard Stuker moved to approve the minutes as read, Jess Drange seconded the motion, motion passed.

B. Minutes from conference call August 25, 2022.

After review of the August 25, 2022, conference call minutes, Richard Stuker moved to approve the minutes as read, Jess Drange seconded the motion, motion passed.

C. Minutes from conference call September 16, 2022.

After review of the September 16, 2022, conference call minutes, Richard Stuker moved to approve the minutes as read, Jess Drange seconded the motion, motion passed.

D. Follow up on correspondence from Montana's State Grazing Districts on Memorandum of Understanding with Bureau of Land Management.

The Montana Grass Conservation Commission sent out the current Memorandum of Understanding to all the State Grazing Districts for review, on November 22, 2021. The cutoff date for comments on the current Memorandum of Understanding with the Bureau of Land Management was June 30, 2022. There was no correspondence from the State Grazing Districts to the Montana Grass Conservation Commission on this document.

E. North Valley Cooperative State Grazing District Transfer for Kirkland Ranch LLC.

North Valley Cooperative State Grazing District submitted the base property transfer for Kirkland Ranch LLC for review. Richard Stuker moved to approve the base property transfer, Jess Drange seconded the motion, motion passed.

F. Approval of Public Disclosure of Grazing District Records.

In July of 2019 the Montana Grass Conservation Commission requested an opinion of public records statutes in Montana code that would pertain to Montana's State Grazing Districts. The opinion drafted by attorney Patti L Rowland was sent to all State Districts along with samples of record request forms, privacy statement, and a sample of a request form already in use by a State Grazing District. After examining what was provided to the State Grazing Districts in 2011 the Montana Grass Conservation Commission decided to seek additional guidance from the Montana Grass Conservation Commission Attorney Patti L. Rowland. In August of 2022 Montana Grass Conservation Commission Attorney Patti L. Rowland sent additional guidance and recommendations for the Montana Grass Conservation Commission to approve.

Jess Drange moved to adopt the recommendations as presented, Nathan Descheemaeker seconded the motion, motion passed.

G. Update on the Montana Grass Conservation Commission Cooperating Agency Memorandum of Understanding with the Bureau of Land Management on its proposed revision to its livestock grazing regulations.

Nathan Descheemaeker gave the Montana Grass Conservation Commission an update on the Bureau of Land Managements proposed revision to its livestock grazing regulations. Nathan went on to explain they are reviewing chapters 1 and 2, additional chapters will be reviewed later in the process.

H. Two Montana Grass Conservation Commission positions are up for Appointment by the Governor – Greg Oxarart & Jeff Willmore are termed out.

Two positions will be open on the Montana Grass Conservation Commission board of directors in 2023. Greg Oxarart holds the position of an officer of or serves on the board of directors of a State Grazing District and Jeff Willmore is a member who holds active grazing rights within a State Grazing District.

I. Election of Officers.

It was decided to wait until the annual meeting on June 13th, 2023, to hold an election of officers as the current slate of officers will not complete their terms until the end of 2022.

J. Public Input or any other business that comes before the Montana Grass Conservation Commission.

Nathan Descheemaeker presented to the Montana Grass Conservation and public a proposal to develop a Universal Policy Framework for Counties and State Grazing Districts. This would provide a tool for Counties, State Grazing Districts, and the Montana Grass Conservation Commission to coordinate with our federal counterparts in their rule-making actions affecting the grazing administration in the state. Nathan met with the Governor's office to begin the discussion for this project and garner support. The Governor's office said to bring forth a proposal on this project.

Nathan Descheemaeker made a motion to develop a proposal for the development of a Universal Policy Framework for Counties and State Grazing District's to present to the Montana Grass Conservation Commission, the Governor's Office and public seconded by Richard Stuker, motion passed.

No further business, meeting adjourned.

Greg Oxarart – Chairman

Sandra K. Brown – Executive Vice President



MONTANA GRASS CONSERVATION COMMISSION

ZOOM MEETING MINUTES FOR DECEMBER 19, 2022, 7:00 pm

Directors Present: Greg Oxarart, Richard Stuker, Nathan Descheemaeker, Jess Drange, Absent: Jeff Wilmore.

Others Present:

- Mark Bostrom – Department of Natural Resources and Conservation
- Raylee Honeycutt – Montana Association of State Grazing Districts.

Call to Order: 7:05 am

A. Montana Grass Conservation Commission Project Proposal for Development: Uniform Policy Framework for Counties and State Grazing Districts per MCA 76-16-104.

At the December 7, 2022, regular meeting of the Montana Grass Conservation Commission in Billings, MT., Nathan Descheemaeker presented a draft Uniform Policy Framework for Counties, State Grazing Districts, and the Montana Grass Conservation Commission for review and approval. Executive Vice President Sandra K. Brown had a suggestion on additional language to be added that would strengthen the document in the value category. Nathan Descheemaeker also outlined a budget for this proposal.

Nathan Descheemaeker moved to approve the Uniform Policy Framework for Counties, State Grazing Districts, and the Montana Grass Conservation Commission with one edit, Richard Stuker 2nd the motion, motion carried.

B. Review of the Letter sent by David Wood, Department of Interior Liaison Inviting the Montana Grass Conservation Commission to become a Cooperating Agency on the Environmental Impact Statement for the proposed Amendment of Resource Management Plans for the Greater Sage Grouse – Sage Grouse Management.

The Montana Grass Conservation Commission reviewed the letter of invitation sent to them by David Wood, the liaison for the Department of Interior on the proposed amendment of Resource management plans for the Greater Sage Grouse.

Richard Stuker moved to accept the invitation to become a Cooperating Agency on the Environmental Impact Statement for the proposed Amendment of Resource Management Plans for the Greater Sage Grouse – Sage Grouse Management, Nathan Descheemaeker second the motion, motion passed.

C. Public comment or any other business that comes before the Montana Grass Conservation Commission.

- Mark Bostrom from the Department of Natural Resources and Conservation that DNRC needs to be kept informed on any budget proposals.

No further business, meeting adjourned.

Chairman – Greg Oxarart

Executive Vice President, Sandra K. Brown



MONTANA GRASS CONSERVATION COMMISSION

ZOOM MEETING MINUTES FOR JANUARY 12, 2023, 2:00 P.M.

Call to Order at 2:05 P.M.

Directors Present: Richard Stuker, Nathan Descheemaeker, Greg Oxarart, Jess Drange. Absent: Jeff Willmore.

Others Present: Stacey Barta – DNRC Representative

- A. MOU Between the Bureau of Land Management (BLM) and the Montana Grass Conservation Commission on the proposed development of the Environmental Impact Statement for the**

proposed Amendment of Resource Management Plans for the Greater Sage-grouse management.

Richard Stuker moved to become a cooperating agency between the Bureau of Land Management and the Montana Grass Conservation Commission for the purpose of preparing plan amendments for Greater Sage Grouse management in the BLM's land use plans, Nathan Descheemaeker seconded the motion, motion passed.

Chairman Greg Oxarart appointed Nathan Descheemaeker as lead representative on this Memorandum of Understanding, Richard Stuker will be the alternate.

B. Crooked Creek Cooperative State Grazing District By-Law Amendment.

Crooked Creek Cooperative State Grazing District submitted for review to the Montana Grass Conservation Commission an amendment to their bylaws.

Richard Stuker moved to approve the bylaw amendment as presented by the Crooked Creek Cooperative State Grazing District, Nathan Descheemaeker 2nd the motion, motion passed.

C. Records Request Form and the Privacy Statement for the Montana Grass Conservation Commission.

A template of the old Records Request Form and Privacy Statement that was approved by the Montana Grass Conservation Commission for the State Grazing Districts was submitted for review to the Montana Grass Conservation Commission Attorney Patti Rowland for review and updating. The purpose in this review is to make it fit the needs of the Montana Grass Conservation Commission if records were requested from them by the public. The privacy statement contains language that the directors of the Montana Grass Conservation Commission have an obligation to protect private information from public dissemination as defined in MCA 2-6-501.

Richard Stuker moved to approve the forms as written Nathan Descheemaeker 2nd the motion, motion passed.

D. Public comment or any other business that comes before the board.

- General discussion on the proposal for a uniform land use policy with the counties.
- General discussion on the proposal from a 7-day notice to a 2-day notice for the Montana Grass Conservation Commission to call a meeting.

No further Business, meeting adjourned.

Chairman – Greg Oxarart

Executive Vice President – Sandra K. Brown



MONTANA GRASS CONSERVATION COMMISSION

ZOOM MEETING MINUTES FOR FEBRUARY 21, 2023, 7:00 A.M.

Call to order at 7:05 A.M.

Directors Present: Richard Stuker, Nathan Descheemaeker, Greg Oxarart, Jess Drange. Absent: Jeff Willmore.

Others Present: none.

- A. Buffalo Creek Cooperative State Grazing District permittee contacted the Montana Grass Conservation Commission office with the following question, (Can a member of the Buffalo**

Creek Coop State Grazing District buy out another member equity interest in the Buffalo Creek Coop State Grazing Districts District owned land).

The Montana Grass Conservation Commission discussed the question posed by the Buffalo Creek Cooperative State Grazing District on buying out another member equity interest in the Buffalo Creek Cooperative State Grazing District. The Montana Grass Conservation Commission also discussed and reviewed the materials sent to the directors by Executive Vice Present Sandra K. Brown which included facts and concerns Sandra has in relation to this issue. Also included in this discussion was a legal opinion dated October 6, 1996, by Tim D. Hall on the selling of State Grazing District owned land for fair market value. A review of the Buffalo Creek Cooperative State Grazing District also took place. The Montana Grass Conservation Commission decided to seek a legal opinion from Montana Grass Conservation Attorney Patti L. Rowland on the sale and purchase of equity interest in State Grazing District owned land between members. The history of the Buffalo Creek Cooperative State Grazing District and their relationship with the Bureau of Land Management was discussed and provided clarity in the timeline of events for the Buffalo Creek Cooperative State Grazing District and its permittees.

Richard Stuker moved to seek an opinion from the Montana Grass Conservation Commission Attorney Patti L. Rowland on the sale or purchase of equity interest in State Grazing District owned land between members, seconded by Jess Drange, motion passed.

B. Public comment or any other business that comes before the board.

There were no public comments.

No further business, meeting adjourned.

Greg Oxarart – Chairman

Sandra K. Brown – Executive Vice President



MONTANA GRASS CONSERVATION COMMISSION

ZOOM MEETING MINUTES FOR MARCH 8, 2023, 7:00 A.M.

Call to order at 7:10 A.M.

Directors Present: Richard Stuker, Greg Oxarart, Jess Drange. Absent: Jeff Willmore, Nathan Descheemaeker.

Others Present: none

- A. Review response from MGCC Attorney Patti Rowland on the sale and purchase of equity interests in State Grazing District owned land between members.**

The Montana Grass Conservation Commission reviewed the opinion from Montana Grass Conservation Commission Attorney Patti L. Rowland on sale and purchase of equity interests in State Grazing District owned land. Patti referenced old opinions and said that looking back over 20 plus years of opinions the starting place has always been the State Grazing District laws contained in Montana Code Annotated Title 76, chapter 16, section 101 through 415. Legal procedures set forth in the statutory provisions are mandatory, not discretionary. Unfortunately, Patti could not commit to a specific detailed analysis to a very complicated and important issue as the closing of her practice is imminent.

Following up with the Buffalo Creek Cooperative State Grazing District they voted to sell their District owned land. The vote by written ballot was 8-5 to sell the property. On the written ballot there were two spots to vote. One was for the selling of the State Grazing Owned land and the other one for the Dissolution of the Buffalo Creek Cooperative State Grazing District. The dissolution of the Buffalo Creek Cooperative State Grazing District vote failed.

B. Review candidates for a new Montana Grass Conservation Commission Attorney.

Two candidates' resumes were reviewed by the Montana Grass Conservation Commission. The two candidates are Quentin M. Rhoades from Rhoades and Erickson PLLC from Missoula, Mt. the second candidate is Bryant S. Martin from Lucas and Tonn P.C. from Miles city, Mt. After reviewing the resumes of each candidate, the Montana Grass Conservation Commission voted to retain Quentin M. Rhoades from Rhoades and Erickson, PLLC, Missoula Mt.

Rich moved to retain Quentin M. Rhoades as the new Montana Grass Commission Attorney, Jess Drange seconded the motion, motion passed.

C. Badlands Cooperative State Grazing District Base Property transfer for Don and Lana Jones.

The Badlands Cooperative State Grazing District submitted for review and approval a base property transfer for Don and Lana Jones. After review of the documents the Montana Grass Conservation voted to approve the transfer.

Richard Stuker moved to approve the transfer from Don and Lana Jones of the Badlands Cooperative State Grazing district, Jess Drange seconded the motion, motion passed.

D. Public comment or any other business that comes before the board.

There was no public comment.

No Further business, meeting adjourned.

Greg Oxarart – Chairman

Sandra K. Brown – Executive Vice President



MONTANA GRASS CONSERVATION COMMISSION

ZOOM MEETING MINUTES FOR MAY 19, 2023, 7:00 A.M. – 8:30 A.M.

Call to Order at 7:08 A.M.

Directors Present: Richard Stuker, Nathan Descheemaeker, Greg Oxarart. Absent: Jeff Willmore, Jess Drange

Others Present:

Stacey Barta – Department of Natural Resources and Conservation.

Raylee Honeycutt – Montana Association of State Grazing Districts.

A. Bison Executive order 3410 – Action Item

A discussion was held by the Montana Grass Conservation Commission on Order NO. 3410 Department of Interior, the subject being, Restoration of American Bison and the Prairie Grasslands. Nathan Descheemaeker drafted a letter on behalf of Montana Grass Conservation Commission on Secretary's Order 3410 to be reviewed and discussed by the Montana Grass Conservation Commission. During the discussion it was noted that Nathan Descheemaeker informed the Governor's Office on this issue and the proposed letter for their information.

Richard Stuker moved to send the draft letter on the Secretary's Order NO 3410 on the Restoration of American Bison and the Prairie Grasslands to the Montana Grass Conservation Commission Attorney Quentin Rhoades for his comments and or any changes that need to be made, Nathan Descheemaeker seconded the motion, motion passed.

B. Montana Grass Conservation Commission Budget - Action Item

The Montana Grass Conservation Commission discussed the budget for the Commission's next two years. It was reported that the budget has not gone all the way through to the Governor's desk to be signed into law. Discussion was held on when the budget gets approved a committee should be formed to draft a preliminary draft of the amount allocated.

Chairman Greg Oxarart assigned Richard Stuker, Nathan Descheemaeker and Sandra K. Brown to be on a budget committee to draft a budget when the budget is signed into law by the Governor.

C. Public comment or any other business that comes before the board.

Stacey Barta from the Department of Natural Resources and Conservation said minutes from any meeting should be approved at the next regular or conference call meeting.

The Montana Grass Conservation Commission Directors agreed that would be the case moving forward.

No further business, meeting adjourned.

Greg Oxarart – Chairman

Sandra K. Brown – Executive Vice President

Grass Conservation Commission, Montana

Website

<http://dnrc.mt.gov/divisions/cardd/conservation-districts/montana-grass-conservation-commission>

Agency

Department of Natural Resources and Conservation

Authority

Montana Code Annotated

http://leg.mt.gov/bills/mca/title_0760/chapter_0160/part_0010/section_0120/0760-0160-0010-0120.html

Function

Advisory Council

Description

Commission conserves, protects, restores and facilitates the proper utilization of grass, forage, and range resources in the state of Montana by organizing and administering the state grazing districts and by promoting cooperation between the Bureau of Land Managements, the U.S. Forest Service, the Department of Natural Resources and Conservation, and the state districts.

Total Positions

5

Total Positions Appointed by the Governor

5

Term Length

3 Years

Current Members

Last Name	First Name	Board Position	Contact Information	Term Start	Term End
Descheemaeker	Nathan	Member who holds active grazing preference	Winnett, Montana 59084 nate@stillwateroffice.net	3/16/2021	12/31/2023
Drange	Jess	Grazing District officer or director	Ismay, Montana 59336 jessdrange@gmail.com	3/16/2021	12/31/2023
Oxarart	Greg	Officer of or serves on the board of directors of a state grazing district	Malta, Montana 59538 (406) 658-2514	1/1/2020	1/1/2023
Stuker	Richard	Member who holds active grazing preference rights within a state district	1155 Boldt Road Chinook, Montana 59523	1/1/2022	12/31/2024
Willmore	Jeff	Member who holds active grazing preference rights within a state district	7665 US Hwy 191 N Roy, Montana 59471	1/1/2020	1/1/2023

Current Openings

No matching records found

Current Board Openings:

Term Start Date	First day of a board members' appointment.
Term End Date	Scheduled end day of a board members' appointment.
Actual Term End Date	If a member has resigned, passed away, or vacated their position, the actual end date reflects that change.
Qualifications	The particular qualifications required for that appointee. All appointments are different, so please check authorizing documents for specific qualification requirements. A public representative typically means a member of the general public, a Montana resident, unless otherwise specified.

**Memorandum of Understanding Between
The Department of the Interior, Bureau of Land Management,
And
The Montana Grass Conservation Commission
As Cooperating Agencies
for Development of the Programmatic Environmental Impact Statement
and Associated Resource Management Plan Amendments for
Utility-Scale Solar Energy Development on Public Lands**

I. Introduction

This Memorandum of Understanding (MOU) establishes the cooperating agency relationship between the United States Department of the Interior, Bureau of Land Management ("BLM") and the Montana Grass Conservation Cor ("Cooperator") for the purpose of developing a draft and final Programmatic Environmental Impact Statement (Programmatic EIS) and any associated draft and proposed Resource Management Plan Amendments (RMPA) for utility-scale solar energy development on BLM-administered public lands.

The BLM is the lead federal agency for the development of the Programmatic EIS.

The BLM acknowledges that the Cooperator has jurisdiction by law and/or special expertise applicable to the Programmatic EIS, as defined at 40 CFR 1508.1(n) and 1508.1(ee). This MOU describes responsibilities and procedures agreed to by Montana Grass Conservation Cor as a Cooperating Agency and the BLM ("the Parties").

The Cooperating Agency relationship established through this MOU shall be governed by all applicable statutes, regulations, and policies, including the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (in particular, 40 CFR 1501.8 and 40 CFR 1508.1(e)), the Department of the Interior's NEPA regulations (43 CFR Part 46), the BLM's planning regulations (in particular, 43 CFR 1601.0-5, 1610.3-1, and 1610.4), and the Department of the Interior's Manual regarding NEPA (516 DM 2.5).

II. Purpose

The purposes of this MOU are:

- A. To designate the Cooperator as a Cooperating Agency in the development and preparation of the Programmatic EIS.
- B. To provide a framework for communication, cooperation, documentation, and coordination between the BLM and the Cooperator that will ensure successful completion of the Programmatic EIS and RMPAs in a timely, efficient, and thorough manner.
- C. To recognize that the BLM is the lead agency with responsibility for the completion of the Programmatic EIS, associated RMPAs, and the Record of Decision (ROD).
- D. To recognize that the Cooperator possesses valuable skills, resources, knowledge, and expertise that will assist the BLM in completing the Programmatic EIS, any RMPAs, and

- the ROD.
- E. To describe the respective responsibilities, jurisdictional authority, and expertise of each of the Parties in the planning process.

III. Introduction and Background

The Programmatic EIS will update the BLM's 2012 Western Solar Plan that assessed the environmental, social and economic impacts associated with utility-scale solar energy development on public lands in six western states, amending 89 land use plans. The purpose of the Programmatic EIS process is to evaluate utility-scale solar energy development on BLM-administered public lands, to increase opportunities for responsible utility-scale solar energy development, to develop criteria to exclude high-value resource areas to support conservation and climate priorities, and to support amendments to relevant BLM land use plans in connection with updating and revising the BLM-wide solar energy development program.

The BLM may expand the utility-scale solar energy development program to include five additional western states. The Programmatic EIS will evaluate a number of alternatives to determine the best management approach, assess potential impacts from utility-scale solar developments, and facilitate their deployment.

The States currently covered by the Western Solar Plan are Arizona, California, Colorado, Nevada, New Mexico, and Utah. The BLM through the Programmatic EIS is considering expanding the scope of the Western Solar Plan to include Idaho, Montana, Oregon, Washington, and Wyoming.

IV. Authorities

- A. The authorities of the BLM to enter into and engage in the activities described within this MOU include, but are not limited to:
1. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
 2. Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).
 3. Regulations implementing the above authorities:
 - a. Council on Environmental Quality regulations (40 CFR 1501 et seq.)
 - b. Bureau of Land Management planning regulations (43 CFR 1601 et seq.)
- B. The authorities of the Cooperator to enter into this MOU include, but are not limited to:
1. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

V. Roles and Responsibilities

A. BLM Responsibilities:

1. As lead agency, the BLM retains final responsibility for the content of the Programmatic EIS and any associated planning documents, which may include a Draft RMPA, and a Proposed RMPA. Any BLM decisions resulting from this planning process apply only to BLM-administered lands and federal mineral estate.

2. The BLM will determine the purpose of and need for the RMPA, select alternatives for analysis, identify effects of the proposed alternatives, select the preferred alternative, and determine appropriate mitigation measures. In meeting these responsibilities, the BLM will follow all applicable statutory and regulatory requirements.
3. To the fullest extent consistent with its responsibilities as lead agency, the BLM will consider the comments, recommendations, data, and/or analyses provided by the Cooperator in the Programmatic EIS planning process, giving particular consideration to those topics on which the Cooperator is acknowledged to possess special expertise.
4. To the fullest extent practicable, after consideration of the effect such releases may have on the BLM's ability to withhold this information from other parties, the BLM will provide the Cooperator with copies of documents underlying the Programmatic EIS relevant to the jurisdiction by law and/or special expertise of the Cooperator, including technical reports, data, analyses, comments received, working drafts related to environmental reviews, and Draft and Proposed RMPA.
5. The BLM will participate in the conflict resolution process set forth in Section C5 to attempt to resolve any disagreements with the Cooperator that arise during the planning process and that cannot first be resolved informally or during the meetings with the cooperating agencies.
6. The BLM, as appropriate and consistent with applicable laws and regulations, will provide the Cooperator with copies of documents relating to the planning process and relevant to the Cooperator's responsibilities, including technical reports, data, analyses, comments received, working drafts related to environmental reviews, and draft and proposed RMPAs.
7. The BLM retains the exclusive responsibility to communicate with the BLM's contractor(s). The Cooperator may communicate with the contractor only through the BLM's representative. The Cooperator acknowledges that the BLM retains the exclusive responsibility to authorize modifications to the contract with the contractor, and that the Cooperator is not authorized to provide technical or policy direction regarding the performance of this contract.

B. Cooperating Agency Responsibilities under NEPA (40 CFR 1500 et seq.):

1. The Montana Grass Conservation C is a Cooperating Agency in this planning process and is recognized to have jurisdiction by law and/or special expertise in the following areas:

The MTGCC (Commission) has jurisdiction by law to oversee the State Grazing Districts in Montana as well as the Grazing administration as a whole in order to protect the range and safeguard the livestock industry by protecting dependent comensurate properties. This authority is pursuant to Montana Code title 76, as well as the Taylor Grazing Act, Federal Land Policy Management Act, and the Public Rangeland Improvement Act. The Commission therefore has special expertise relating to the grazing administration in the state as well as the function and purpose of federally reserved grazing districts which have been withdrawn and classified as Chiefly Valuable For Grazing and Raising of Forage Crops.

2. The Cooperator will provide information, comments, and technical expertise to the BLM regarding those elements of the Programmatic EIS, and the data and analyses supporting them, in which it has jurisdiction by law and/or special expertise or for which the BLM requests its assistance. In particular, the Cooperator will provide information on the following topics:

The Commission will provide information relating to its jurisdiction and special expertise as available. This may include the purpose and priority of existing withdrawals and classifications of lands which are in place in order to protect the range and safeguard and stabilize the livestock industry. The Commission also has special expertise and knowledge of the socio-economic environment of rural resource dependent counties as well as the associated customs and cultures of the multi-generational agricultural industries and livelihoods dependent on federal lands in much of the State of Montana.

3. The Cooperator may participate in any of the activities within the areas of their jurisdiction by law and/or special expertise. These activities include, but are not limited to: providing guidance on public involvement strategies, identifying data needs, suggesting management actions to resolve planning issues, providing input to the draft analyses, identifying effects of alternatives, suggesting mitigation measures, and providing written comments on working drafts of the Programmatic EIS and supporting documents. (See also Section C.4.)

4. The Cooperator will notify the BLM about any issues that arise concerning this planning process in a timely fashion.

5. The Cooperator will use and adhere to the conflict resolution process set forth in Section C5 to address any disagreements with the BLM that arise during the planning process and that cannot first be resolved informally or during meetings with the cooperating agencies.

6. Based on the anticipated schedule for the planning process, extensions of time to provide comments and/or review the Programmatic EIS and other planning related documents will likely not be granted.

C. Responsibilities of the Parties:

1. The Parties agree to participate in this planning process in good faith and make all reasonable efforts to resolve disagreements.

2. The Parties agree to comply with the planning schedule provided as Attachment A which includes planned dates for the Programmatic EIS milestones and timeframes for reviews and submissions by the Cooperator.

3. Each Cooperator agrees to fund its own expenses associated with the Programmatic EIS process.

4. The Parties agree to carefully consider whether proposed meetings or other activities would waive the Unfunded Mandates Reform Act exception to the Federal Advisory Committee Act (2 U.S.C. 1534(b) and 5 U.S.C. App.).

5. The Parties agree that they will first attempt to resolve any disagreements informally, or during cooperating agency meetings. Where the BLM and the Cooperator disagree on substantive elements of the Programmatic EIS, and these disagreements cannot be resolved informally or during a cooperating agency meeting, the Cooperator may request, in writing, a conflict resolution meeting with the BLM Assistant Director, Energy, Minerals and Realty Management, or, if the BLM Assistant Director, Energy, Minerals and Realty Management, is unavailable, the BLM's representative with his/her delegated authority related to the issue involved, to discuss the issue(s). The written request must describe the disagreement to be discussed, the steps taken to resolve the disagreement, and a proposed compromise. The Cooperator may request up to one conflict resolution meeting per quarter and a single meeting may address multiple issues. The conflict resolution meeting may take place in person, by teleconference, or by web meeting, and may include other Cooperating Agencies that have raised a similar issue, at the BLM's discretion. The BLM will memorialize the outcome of the conflict resolution meeting in writing and will provide a copy to the Cooperator as soon as practicable. In addition, the Cooperator may document any unresolved disagreements on substantive elements of the Programmatic EIS as set forth Section V. E.

V. Other Provisions

A. Authorities not altered. Nothing in this MOU alters, limits, or supersedes the authorities and responsibilities of any Party on any matter within their respective jurisdictions. Nothing in this MOU shall require any of the Parties to perform beyond its respective authority.

B. Financial obligations. Nothing in this MOU shall require any of the Parties to assume any obligation or expend any sum in excess of authorization and appropriations available.

C. Immunity and Defenses Retained. Each Party retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

D. Conflict of interest. The Parties agree not to utilize any individual for purposes of plan development, environmental analysis, or Cooperator representation, including officials, employees, or third party contractors, having a financial interest in the outcome of the Programmatic EIS or associated planning process.

E. Documenting disagreement or inconsistency. Where the Parties disagree on significant elements of the Programmatic EIS (such as designation of the alternatives to be analyzed or analysis of effects), and these disagreements cannot be resolved, the Cooperator may document its views in the Draft RMPA and the Proposed RMPA. The same provision applies when there are inconsistencies between the BLM's proposed action(s) and the objectives of Federal, state, local, or tribal land use plans and policies.

F. Management of information. The Cooperator acknowledges that all data and information provided will become part of the BLM's official record and will be available for public review, subject to any limitations on public release contained in applicable law, including the Freedom of Information Act and the Privacy Act. The Parties agree that internal working draft documents for the development of the Programmatic EIS will not be made available for review by individuals or entities other than the Parties to this MOU. All draft documents are part of the official BLM record and may only be released by BLM to the extent allowed by law, including the Freedom of Information Act and the Privacy Act. The Parties agree that in order to allow full and frank discussion of preliminary analysis and recommendations, meetings to review such predecisional and deliberative documents will not be open to the public.

G. Responsibility for decision making. While the Parties agree to make reasonable efforts to resolve procedural and substantive disagreement, they acknowledge that the BLM retains final responsibility for the decisions identified in the Programmatic EIS.

H. Coordination with BLM contractors. Argonne National Laboratory serves as BLM's contractor for all aspects of public involvement, data collection, environmental analysis, and Programmatic EIS preparation. The BLM may also hire additional supporting environmental contractors. Cooperator agrees that it will communicate with the contractor(s) only through the BLM representative.

I. Insignia. For any Party to use the insignia of any other Party on any published media (such as a web page, printed publication, or audiovisual production), permission must be granted in writing from that Party.

J. Each of the signatories warrants that he or she is authorized to enter this MOU on behalf of the Party on whose behalf the signatory has executed the MOU.

K. This MOU may be executed in counterpart originals and each copy will have the same force and effect as though signed by all Parties.

VI. Agency Representatives

Each Party will designate a representative and alternate representative, as described in **Attachment C**, to ensure coordination between the Cooperator and BLM during the planning process. Each Party may change its representative at will by providing written notice to the other Party.

VII. Administration of the MOU

A. Approval. This MOU becomes effective upon signature by the authorized officials of all the Parties.

B. Amendment. This MOU may be amended through written agreement of all signatories.

C. Termination. If not terminated earlier, this MOU will end when the BLM publishes a final Programmatic EIS. Any Party may end its participation in this MOU by providing written notice to the other Party.

IX. Signatures

The Parties hereto have executed this MOU on the dates shown below.

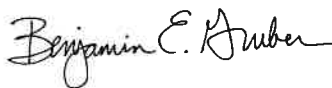
Montana Grass Conservation Corr
P.O. Box 622 Terry, MT 59349
Terry, MT 59349



Nathan Descheemaeker

Date 4/14/23

Bureau of Land Management
Headquarters
1849 C Street N.W.
Washington, DC 20240



Digitally signed by BENJAMIN
GRUBER
Date: 2023.05.08 10:41:54 -04'00'

Benjamin E. Gruber, Acting Assistant Director,
Energy, Minerals and Realty Management

Date 05/08/2023

Attachment A
Cooperating Agency Participation in the Programmatic EIS

	Programmatic EIS/RMPA Stage	Potential Activities of Cooperating Agencies (CAs) within their acknowledged areas of expertise
1	Develop planning criteria	Provide advice on proposed planning criteria.
2	Collect inventory data	Identify data needs; provide data and technical analyses within the CA's expertise.
3	Formulate alternatives	Collaborate in developing alternatives. Suggest land allocations or management actions to resolve issues. [Decision to select alternatives for analysis is reserved to the BLM.]
4	Estimate effects of alternatives	Provide effects analysis within the CA's expertise; identify direct, indirect, and cumulative effects within the CA's expertise; suggest mitigation measures for adverse effects.
5	Select the preferred alternative; issue Draft Programmatic EIS/RMPA	Collaborate in evaluating alternatives and in developing criteria for selecting the preferred alternative; provide input on Preliminary Draft Programmatic EIS/RMPA. The CA may also provide written, public comments on draft if desired. [Decision to select a preferred alternative and to issue a draft is reserved to the BLM.]
6	Respond to comments	As appropriate, review comments within the CA's expertise and provide assistance in preparing BLM's responses.
7a	Issue Proposed Final Programmatic EIS/RMPA	[Action reserved to BLM.]
7b	Initiate Governor's Consistency Review	Once initiated by the BLM, state CAs should contribute to the Governor's Consistency Review (for RMPA only).
8	Resolve protests; modify Proposed Programmatic EIS/RMPA if needed; sign ROD	[Action reserved to the BLM.] A CA that has provided information relevant to a protest may be asked for clarification.

Attachment B

Schedule

Programmatic EIS/RMPA Stage	Date	Expected Timing for CA Responses (where applicable)
Cooperating Agencies Kick-off Meeting (virtual)	Planned April 19, 2023	
		Provide advice on proposed planning criteria (2 weeks after kick-off meeting)
		Provide data and technical analyses within the CA's expertise (3 weeks after kick-off meeting)
BLM presents conceptual alternatives to CAs for discussion	Est. April 19, 2023	Provide advisory input on conceptual alternatives (est. 2 weeks review time)
BLM provides preliminary draft of Chapter 3 (affected environment)	Est. May 22, 2023	Review and comment on affected environment chapter (est. 2 weeks review time)
BLM provides preliminary draft of Chapter 4 (impacts and mitigation)	Est. May 22, 2023	Provide impacts/effects analysis and suggest mitigation measures of alternatives (for identified areas of cooperator expertise) (est. 2 weeks review time)
BLM provides preliminary Draft Programmatic EIS	Est. July 24, 2023	Provide feedback on Draft Programmatic EIS (est. 3 weeks review time)
Issue Draft Programmatic EIS/RMPA (public comment period 90 days)	Est. October 16, 2023 – January 8, 2024	

Prepare response to public comments	Est. January 2024	
BLM provides preliminary draft Final Programmatic EIS/RMPA	Est. March 24, 2024	Provide feedback on preliminary draft Final Programmatic EIS (3 weeks)
Issue Proposed Final Programmatic EIS/Proposed RMPA	Est. June 28, 2024	
Initiate Governor's Consistency Review	Est. June 28, 2024	
Resolve land use plan protests; modify Final Programmatic EIS/Proposed RMPA if needed; sign ROD	Est. September 20, 2024	

Attachment C
Agency Representatives

Bureau of Land Management

Name of Plan: Utility-Scale Solar Energy Programmatic EIS
Primary Representative: Jayme Lopez
Interagency Liaison, National Renewable Energy Coordination Office
J06lopez@blm.gov

Backup Representative: Leslie Hill
Senior Advisor, Office of the Director
lmhill@blm.gov

Montana Grass Conservation Corr

Primary Representative: Nathan Descheemaeker
Director
nsdesch@yahoo.com

Backup Representative: Richard Stuker
Director
rstuker@itstriangle.com

Montana Grass Conservation Commission Dues

Grazing District	2018		2019		2020		2021		2022		date received
	AUMS	Dues	AUMS	Dues	AUMS	Dues	AUMS	Dues	AUMS	Dues	
Badland	68,935	\$2,757.40	68,935	\$3,446.75	68,935	\$3,446.75	68,935	\$3,446.75	68,935	\$3,446.75	9/22/2022
Buffalo Creek	12,740	\$509.60	10,035	\$501.75	12,740	\$637.00	12,875	\$643.75	12,875	\$643.75	12/10/2022
Buggy Creek	24,087	\$963.48	24,087	\$1,204.35	24,087	\$1,204.35	24,087	\$1,204.35	24,087	\$1,204.35	9/22/2022
C & B	12,110	\$484.40	12,110	\$605.50	12,110	\$605.50	12,110	\$605.50	12,110	\$605.50	11/10/2022
Chain Buttes	18,706	\$748.24	18,706	\$935.00	18,706	\$935.00	18,706	\$935.30	18,706	\$935.30	12/13/2022
Crooked Creek	13,735	\$549.40	13,735	\$686.75	13,735	\$686.75	13,735	\$686.75	13,735	\$686.75	10/25/2022
East Custer	8,992	\$359.68	12,442	\$622.10	9,686	\$484.30	10,547	\$527.35	10,102	\$505.10	1/3/2023
Flatwillow	2,691	\$107.64	2,691	\$134.55	2,691	\$134.55	2,691	\$134.55	2,691	\$134.55	12/15/2022
Froze to Death	288	\$11.52	288	\$14.40	288	\$14.40	288	\$14.40	288	\$14.40	10/11/2022
Grass Range	6,927	\$277.08	6,927	\$346.35	6,927	\$346.35	6,927	\$346.35	6,927	\$346.35	12/15/2022
Indian Butte	17,825	\$713.00	17,825	\$891.25	17,825	\$891.25	17,825	\$891.25	17,825	\$891.25	9/15/2022
Missouri River Basin	13,845	\$553.80	13,702	\$685.10	15,761	\$788.05	13,196	\$659.80	17,542	\$877.10	1/3/2023
North Blaine	36,666	\$1,466.64	36,666	\$1,833.30	36,666	\$1,833.30	36,666	\$1,833.30	36,666	\$1,833.30	11/1/2022
North Phillips	56,770	\$2,270.80	56,366	\$2,818.30	59,744	\$2,987.20	57,863	\$2,893.15	59,742	\$2,987.10	12/13/2022
North Valley	42,533	\$1,701.32	42,533	\$2,126.65	42,533	\$2,126.65	42,533	\$2,126.65	42,533	\$2,126.65	9/22/2022
Prairie County	95,000	\$3,800.00	95,000	\$4,750.00	95,000	\$4,750.00	95,000	\$4,750.00	95,000	\$4,750.00	9/22/2022
Red Butte	4,304	\$172.16	4,304	\$215.20	4,304	\$215.20	4,304	\$215.20	4,304	\$215.20	11/17/2022
South Phillips	57,906	\$2,316.24	53,502	\$2,675.10	58,581	\$2,929.05	54,967	\$2,748.35	51,309	\$2,565.45	12/13/2022
Wayne Creek	7,184	\$287.36	7,188	\$359.40	10,014	\$500.70	9,178	\$458.90	3,726	\$186.30	3/9/2023
Weede	2,431	\$97.24	2,431	\$121.55	2,451	\$122.55	2,451	\$122.55	2,451	\$122.55	10/11/2022
Williams Coulee	11,665	\$466.60	11,665	\$583.25	11,665	\$583.25	11,665	\$583.25	11,665	\$583.25	12/13/2022
Willow Creek	24,041	\$961.64	24,041	\$1,202.05	24,041	\$1,202.05	24,041	\$1,202.05	24,041	\$1,202.05	9/22/2022
Winnett	38,575	\$1,543.00	36,931	\$1,846.55	35,856	\$1,792.80	38,762	\$1,938.10	27,172	\$1,358.60	11/10/2022

Total: 577,956 \$23,118.24 572,110 \$28,605.20 584,346 \$29,217.00 579,352 \$28,967.60 564,432 \$28,221.60 0 \$1.15 YTD